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9 **BEFORE THE**
BOARD OF REGISTERED NURSING
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. **2013-490**

13 **PERRI MICHELLE CLARK,**
14 **AKA PERRI MICHELLE FRIEDMAN**
2325 Hock Street
Green Bay, WI 54304

A C C U S A T I O N

15 **Registered Nurse License No. 577027**

16 Respondent.
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19 Complainant alleges:

20 **PARTIES**

21 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
22 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
23 Consumer Affairs.

24 2. On or about February 6, 2001, the Board of Registered Nursing issued Registered
25 Nurse License Number 577027 to Perri Michelle Clark, also known as Perri Michelle Friedman
26 (Respondent). The Registered Nurse License was in full force and effect at all times relevant to
27 the charges brought herein and will expire on December 31, 2012, unless renewed.

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JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2750 of the Business and Professions Code (Code) provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811, subdivision (b) of the Code, the Board may renew an expired license at any time within eight years after the expiration.

STATUTORY PROVISIONS

6. Section 2761 of the Code states:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the following:

....

(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action.

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COST RECOVERY

7. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

1 **CAUSE FOR DISCIPLINE**

2 **(Out Of State Discipline)**

3 8. Respondent has subjected her license to disciplinary action under Code section
4 2761, subdivision (a)(4), in that she has had a professional license disciplined in another state.
5 The circumstances are that her Wisconsin registered nurse license has been disciplined in a
6 disciplinary action entitled *In the Matter Of the Disciplinary Proceedings Against Perri M.*
7 *Clark, R.N. Respondent*. The State of Wisconsin Board of Nursing (Wisconsin Board) issued a
8 Final Decision and Order No. 0000635 dated January 27, 2011, based upon unprofessional
9 conduct, in violation of Wisconsin Administrative Code (WAC) sections N7.03, subdivision (2)
10 and N7.04, subdivision (1), subdivision (2), and subdivision (15).

11 9. Based on the evidence before it, the Wisconsin Board made the following
12 Findings of Fact:

13 a. Perri Michelle Clark, is and was at all times relevant to the facts set forth
14 in the order a professional nurse licensed in the State of Wisconsin pursuant to license number
15 143761. The license was first granted on February 26, 2003.

16 b. On February 21 and 22, 2009, and while employed through an agency as a
17 professional nurse at St. Agnes Hospital, Fond du Lac, Wisconsin, Respondent diverted the
18 controlled substance, two milligram of injectable morphine, from the hospital's Pyxis device.
19 Although purportedly for a patient, the patient denied receiving the medication, and there was no
20 record of it being actually administered to the patient. On the same day, Respondent removed
21 one milligram of injectable hydromorphone, from the hospital's Pyxis device, purportedly for a
22 patient for whom it had not been ordered, and for whom there was no record of it being
23 administered. Respondent's urine was tested, and was found to contain morphine and
24 hydromorphone. Respondent, upon questioning, admitted to obtaining Propofol, a prescription
25 drug, and, while on duty, self-injecting this medication, without any authorization from a
26 prescriber, or other authority, to do so.

27 c. Following an evaluation at Bellin Psychiatric Hospital, Respondent was
28 diagnosed with several mental health conditions, and chronic back pain. Respondent has

1 participated in treatment for her condition at American Foundation of Counseling and Aurora
2 Health Center-DePere, New Wellness, of Green Bay.

3 d. Respondent was engaged in the practice of nursing as of the date of the
4 order.

5 10. Based on the evidence before it, the Wisconsin Board made the following
6 Conclusions of Law:

7 a. The Wisconsin Board of Nursing has jurisdiction to act in the matter
8 pursuant to Wisconsin Statutes (WS) section 441.07, subdivision (1)(b), subdivision (1)(c), and
9 subdivision (1)(d), and is authorized to enter into a stipulation pursuant to WS section 227.44,
10 subdivision (5).

11 b. The conduct described in paragraph 9b, above, violated WAC sections
12 N7.03, subdivision (2) and N7.04, subdivision (1), subdivision (2), and subdivision (15). Such
13 conduct constitutes unprofessional conduct within the meaning of the Code and statutes.


14 **PRAYER**

15 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
16 and that following the hearing, the Board of Registered Nursing issue a decision:

17 1. Revoking or suspending Registered Nurse License Number 577027, issued to
18 Perri Michelle Clark;

19 2. Ordering Perri Michelle Clark to pay the Board of Registered Nursing the
20 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
21 Professions Code section 125.3;

22 3. Taking such other and further action as deemed necessary and proper.

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24 DATED: December 13, 2012 
25 for LOUISE R. BAILEY, M.ED., RN
26 Executive Officer
27 Board of Registered Nursing
28 Department of Consumer Affairs
State of California
Complainant

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